

	<b>MARICOPA COUNTY SHERIFF'S OFFICE POLICY AND PROCEDURES</b>	
	<b>Subject</b>  <b>EMPLOYEE PROBATIONARY PERIODS, UNCLASSIFIED EMPLOYEES, AND RELEASES</b>	<b>Policy Number</b> <b>GC-11</b> <b>Effective Date</b> <b>11-30-23</b>
<b>Related Information</b> GC-17, <i>Employee Disciplinary Procedures</i> GH-2, <i>Internal Investigations</i> Maricopa County Employee Merit System Rules Maricopa County Law Enforcement Officers' Merit System Rules		<b>Supersedes</b>  GC-11 (05-02-23)

**PURPOSE**

The purpose of this Office Policy is to specify the probationary periods for all classified employees covered by the Maricopa County Law Enforcement Officers' Merit System Rules or the Maricopa County Employee Merit System Rules. This Office Policy also provides guidelines to address unclassified employees who are not covered by Maricopa County Merit System Rules and do not serve probationary periods.

**POLICY**

It is the policy of the Office to establish a standard evaluation period for all classified employees during their initial probationary appointment and promotional probationary appointments, as specified in the applicable Maricopa County Law Enforcement Officers' Merit System Rules or the Maricopa County Employee Merit System Rules, and to establish procedures for evaluating unclassified employees determined not to have met minimum performance standards.

**DEFINITIONS**

**At-Will Employee:** An employment relationship where either party to the relationship may sever the relationship for any reason other than an unlawful reason. This includes unclassified, initial probation, contract, and temporary employees.

**Blue Team:** The Early Identification System (EIS) application that allows employees and supervisors to record information in a database regarding incidents, performance, and conduct. The information from Blue Team is transferred to the IAPro Early Identification case management system.

**Classified:** All positions in Maricopa County service that are covered by the Maricopa County Merit System Rules. Excluded are those employees identified as temporary, initial probation, or contract employees, and those positions identified as unclassified.

**Early Intervention Unit (EIU):** The EIU is part of the Bureau of Internal Oversight. The EIU is responsible for the implementation, maintenance, and operation of the EIS and for providing training and assistance to the EIS users. The unit conducts data analysis, data input, and review of activities exceeding thresholds to address potentially problematic conduct or operating procedures, and recognizes positive attributes by reviewing employee awards. The Office shall ensure there is sufficient personnel to facilitate EIS input and training.

**Employee:** A person currently employed by the Office in a classified, unclassified, contract, or temporary status.

**IAPro:** A case management system used by the EIU, the Professional Standards Bureau (PSB), and the Administrative Services Division that tracks and analyzes information, including but not limited to, complaints, commendations, use of

**Policy GC-11, *Employee Probationary Periods, Unclassified Employees, and Releases* Effective Date: 11-30-23**

force incidents, pursuits, discipline, supervisor notes, and internal investigations. IAPro is used by PSB for the periodic assessment of timelines of investigations and for monitoring the caseloads of internal affairs investigators. IAPro is also used to track, as a separate complaint category, allegations of biased policing and unlawful investigatory stops, searches, seizures, or arrests.

***Initial Probation:*** A specified period of time following the employment of a classified employee in a budgeted position during which the work performance of the employee is evaluated. A classified employee may be released from initial probation for or without cause.

1. ***Initial Probation, Detention Only:*** With the exception of Job Profile adjustments and reassignments, detention personnel must serve an initial probation period upon their most recent employment, to include hire, promotion, demotion, or transfer into any classified position. The initial probation period shall be a minimum of one year and may be extended by the Sheriff or designee for up to six additional months.
2. ***Probationary Appointment, Sworn Only:*** The appointment to a regular position through certification in accordance with the Law Enforcement Officers' Merit System Rules. The probationary period for the probationary appointment of an entry level employee shall be one year and may be extended by the Sheriff or designee for up to six additional months.
3. An employee may be separated at any time during the initial probationary period without the right of appeal. In any case of suspension, dismissal, or demotion during an employee's initial probationary period the Sheriff or designee may investigate the circumstances and causes for the action taken. The employee must be given written notice of the action taken by the Sheriff or designee prior to the expiration of the established probationary period or the employee will be considered to have successfully completed the probationary period.

***Maricopa County Merit System Rules:*** The Maricopa County Employee Merit System Rules and the Maricopa County Law Enforcement Officers' Merit System Rules.

***Minimum Performance Standards:*** The most basic level of activity and behavior necessary for an employee to fulfill their job requirements.

***Pre-Determination Hearing (PDH):*** A forum that allows an employee, regardless of employment status, who is being considered for suspension, demotion, dismissal, or probationary release, to address the appointing authority, or the Sheriff or designee regarding the intended action.

***Promotion:*** The movement of an employee to a different position control number at a higher rate of pay through an announced recruitment process.

1. ***Promotional Probation, Detention Only:*** See Initial Probation, Detention Only definition.
2. ***Promotional Probation, Sworn Only:*** The promotional probationary period for a sworn employee shall be twelve months unless extended by the Sheriff for up to an additional six additional months. A promotional probationary employee who fails to satisfactorily complete the promotional probationary period may be, without right of appeal, reverted to a position of the class previously occupied or to another suitable position. A promotional probationary employee, who is suspended or dismissed, has the right of appeal.

***Regular Status:*** The status an employee achieves under the applicable Maricopa County Employee Merit System Rules when retained in a position of the classified service following the successful completion of the initial probation period.

**Policy GC-11, *Employee Probationary Periods, Unclassified Employees, and Releases* Effective Date: 11-30-23**

**Unclassified:** All positions in Maricopa County service that are not covered by the Maricopa County Merit System Rules. Those employees identified as unclassified are considered at-will employees.

**PROCEDURES**

1. **Unclassified Employees:** Employees who are unclassified do not serve probationary periods, as they are at-will employees and are not covered by the Maricopa County Merit System Rules. Unclassified employees who are suspended or dismissed from employment by the Office are entitled to a Pre-Determination Hearing (PDH) if deemed warranted following a review by the Administrative Services Division in consultation with the Professional Standards Bureau (PSB). However, these employment actions are not appealable to the Merit Commission.
  - A. **Unclassified Employee Less than One Year:**
    1. Should it be determined that an unclassified employee with less than one year of Office employment and/or less than one year in their current job profile is not meeting minimum performance standards, the supervisor shall be responsible for initiating an entry in Blue Team by selecting the Incident Type Probationary Release and selecting the Allegation PR - Unclassified Release Less Than One Year. The Blue Team entry must include the employee's performance deficiencies, all corrective action taken, interventions, and any policy violations and supporting documentation. The Blue Team entry must be initiated prior to the employee's twelfth month of unclassified service.
      - a. The Blue Team entry shall be forwarded through the chain of command to the respective bureau chief.
      - b. The employee shall not be copied on this entry.
    2. The bureau chief shall determine if the information provided by the supervisor supports a release from employment.
      - a. If the bureau chief determines that the release from employment is not warranted, the bureau chief shall document in Blue Team why the information provided by the supervisor does not support a release and provide the next course of action. The bureau chief may request additional information from the reporting supervisor in order to make a determination if the initial information provided does not provide enough detail to support an informed decision. The Blue Team entry shall be forwarded to the Early Intervention Unit (EIU).
      - b. If the bureau chief determines that a release from employment is warranted, the bureau chief shall document their approval in Blue Team and forward the information to the EIU. The EIU shall notify the Administrative Services Division of the Blue Team entry. The Administrative Services Division shall review the information to confirm the release is justified from a human resources perspective. Once confirmed, the Administrative Services Division shall consult with the PSB Commander to determine if a PDH is warranted, as specified in Office Policy GC-17, *Employee Disciplinary Procedures*, and to determine if the employee should be placed on Administrative Leave with Pay.
        - (1) If no PDH is warranted due to insufficient justification to support the release or the action of the employee does not warrant a PDH for release from employment, the Administrative Services Division shall notify the

employee's bureau chief that the employee will not be released from employment.

- (2) If a PDH is warranted, the Administrative Services Division shall be responsible for coordinating the process. This includes preparing detailed correspondence, scheduling the PDH, and ensuring all necessary notifications and actions are completed, as specified in Office Policy GC-17, *Employee Disciplinary Procedures*. This also includes providing written notification to the employee.

- c. Once the employee is released from employment, the Administrative Services Division shall upload all documentation generated during the release process into IA Pro under the Probationary Release Case Number generated by IA Pro.

- B. **Unclassified Employee Over One Year:** An unclassified employee with over one year of employment and/or over one year in their current job profile and not meeting minimum performance standards shall be managed, as specified in Office Policies GH-2, *Internal Investigations* and GC-17, *Employee Disciplinary Procedures*.

2. **Requirements for Classified Probationary Employees:** An employee must achieve minimum performance standards in all appraised categories for the employee to successfully complete a probationary period.

- A. Probation does not end upon completion of the probationary appraisal. The probationary period ends upon completion of the last day of the probationary period, including any extension thereto.

- B. If a probationary period is to be extended, it should be initiated no later than 21 calendar days prior to the employee's probationary end date.

1. A request for an extension shall be completed by the employee's supervisor and submitted through the chain of command to the bureau chief for approval.

2. The employee's supervisor may notify the employee of the extension request.

3. Once approved by the bureau chief, the bureau chief should provide the request for extension of probation to the Human Resource Services Division no later than 14 calendar days prior to the employee's current probationary period end date.

4. The Human Resource Services Division shall provide the employee written notice of the probation extension, prior to the probation completion date or the employee shall be considered to have successfully completed the probationary period.

- C. During the initial probationary period, any employee may be released from employment with or without cause. Should it be determined that a probationary employee is not successfully completing probation, the supervisor shall be responsible for initiating an entry in Blue Team by selecting the Incident Type Probationary Release and selecting the Allegation PR - Probation Release.

1. The Blue Team entry must include the probationary employee's performance deficiencies, all corrective action taken, interventions, and any policy violations and supporting documentation.

2. The Blue Team entry must be initiated no later than 30 calendar days prior to the employee's probationary end date.

**Policy GC-11, *Employee Probationary Periods, Unclassified Employees, and Releases* Effective Date: 11-30-23**

3. The Blue Team entry shall be forwarded through the chain of command to the respective bureau chief.
  4. The employee shall not be carbon copied on this entry.
- D. The bureau chief shall determine if the information provided by the supervisor supports a release from employment.
1. If the bureau chief determines that the release from employment is not warranted, the bureau chief shall document in Blue Team, why the information provided by the supervisor does not support a release from probation and provide the next course of action. The bureau chief may request additional information from the reporting supervisor in order to make a determination if the initial information provided does not provide enough detail to support an informed decision. The Blue Team entry shall be forwarded to the EIU.
  2. If the bureau chief determines that a release from employment is warranted, the bureau chief shall document their approval in Blue Team and forward the information to the EIU. The EIU shall notify the Administrative Services Division of the Blue Team entry. The Administrative Services Division shall review the information to confirm the release is justified from a human resources perspective. Once confirmed, the Administrative Services Division shall consult with the PSB Commander, to determine if a PDH is warranted, as specified in Office Policy GC-17, *Employee Disciplinary Procedures*, and to determine if the employee should be placed on Administrative Leave with Pay.
    - a. If after consulting with the PSB Commander, it is determined a release is not warranted due to insufficient justification to support the release or the action of the employee does not warrant a PDH for release from employment, the Administrative Services Division shall notify the employee's bureau chief that the employee will not be released from probation.
    - b. If a PDH is warranted, the Administrative Services Division shall be responsible for coordinating the process. This includes preparing detailed correspondence, scheduling the PDH, and ensuring all necessary notifications and actions are completed, as specified in Office Policy GC-17, *Employee Disciplinary Procedures*. This also includes providing written notification to the employee, prior to the end of the probationary period.
    - c. Once the employee is released from employment for unsuccessful completion of probation, the Administrative Services Division shall upload all documentation generated during the probationary release process into IA Pro under the Probationary Release Case Number generated by IA Pro.
3. **Job Change to Deputy Sheriff:** A regular-status employee occupying a detention officer position at the rank of sergeant or above, who accepts a job change to a deputy sheriff trainee or deputy sheriff position, shall serve a one-year initial probationary period. This probationary period may be extended for up to an additional six months to ensure that the employee meets the required standards of employment.
1. An employee, who accepts a job change to a deputy sheriff trainee position and fails to satisfactorily complete the prescribed Arizona Peace Officer Standards and Training (AZPOST) Board academy; or the initial probationary period of deputy sheriff may, at the Office's discretion, revert only to an available position within a Job Profile for which the employee qualifies. Exception being employees who occupied a ranked detention officer position shall revert only to an available position in the Detention Officer Job Profile.

**Policy GC-11, *Employee Probationary Periods, Unclassified Employees, and Releases* Effective Date: 11-30-23**

2. Subject to available positions, the Office may attempt to place the employee in a position which may initiate a new initial probationary period of one year, depending on classification.
  
4. **Deputy Trainee Probation:** Upon successful completion of the prescribed AZPOST academy training, a deputy trainee shall be promoted to deputy sheriff and commence the initial probationary period prescribed for that classification under the Maricopa County Law Enforcement Officers' Merit System Rules. No other exceptions to probationary periods may be made without written approval from the Maricopa County Human Resources Director.
  
5. **Initial-Probationary Employee:** An initial-probationary classified employee may be suspended, demoted, or dismissed at any time without the right of appeal.